



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

APR - 4 2017

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article number: 7015 3010 0001 6837 7968

Mr. Michael Preisig
Health and Safety Officer
New Jersey Office of the Attorney General
Department of Law and Public Safety
25 Market Street
Trenton, NJ 08625

Via email mike.preisig@lps.state.nj.us

Re: **Northern Regional Medical Examiner Office
Notice of Violation
RCRA § 3007 Information Request**

Dear Mr. Preisig:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 *et seq.*

Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 Code of Federal Regulations (C.F.R.) Parts 260-272. For the purposes of this Notice of Violation and Information Request, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

The State of New Jersey is authorized by the EPA to conduct a hazardous waste program and to enforce RCRA under Section 3006 of RCRA, 42 U.S.C. § 6926. Notwithstanding, the EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New Jersey.

On or about September 29, 2016, a duly authorized representative of the EPA conducted a Compliance Evaluation Inspection (CEI) of the State's Northern Regional Medical Examiner Office (NRMEO) located in Newark, New Jersey, (the "Facility") pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. During the CEI, the EPA representative discussed the Facility's generation and handling of wastes.

The Notice of Violation (NOV) portion of this letter (Enclosure I) is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 U.S.C. §§ 6901 and 6928. Issuance of this Notice of Violation and compliance with its terms does not preclude EPA from taking formal enforcement action against you and/or your Office, including a monetary penalty, under Section 3008 of RCRA, 42 U.S.C. § 6928, or any other applicable regulation or statute.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA may require parties who handle or have handled hazardous waste to provide information relating to such wastes. Pursuant to the statutory provisions cited above, EPA hereby requires that you provide the information requested in Enclosure II, using the instructions and definitions included in Enclosure III. This information is necessary to determine the compliance status of NRMEIO.

Please provide the information requested no later than thirty (30) calendar days from receipt of this letter. Requests for additional time must be made within ten (10) calendar days of receipt of this letter and must be justified. A responsible official, officer, or agent of your Facility, using the form in Enclosure IV to this letter, must sign the response. Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law, including but not limited to a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. 6928. Please also note that all information you provide may be used in an administrative, civil judicial, or criminal action.

Your response to this letter must be mailed to the following address or emailed to lareau.meghan@epa.gov:

Ms. Meghan LaReau
Enforcement Officer
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 21st Floor
New York, New York 10007-1866

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (hereinafter 40 "C.F.R.") Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. If you contend that some or all of the submitted information is entitled to confidential treatment, specify which

portions of the information you consider confidential. For each item or class of information that you identify as being subject to your claim, please answer the questions in Enclosure V, giving as much detail as possible. Please note that you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination.

Failure to respond in full to this requirement is a violation of RCRA Section 3007 and may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of a monetary penalty. Such penalties may be up to \$39,326 per day per violation.

This information request is not subject to the requirements of the Paperwork Reduction Act (PRA), as amended, 44 USC Part 3501 et. seq. If you have any questions regarding this matter, please contact Ms. Meghan La Reau, of my office, at (212) 637-4067 or lareau.meghan@epa.gov.

Sincerely yours,



Leonard Voo, Chief
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance

Enclosures: Enclosure I - Notice of Violation
 Enclosure II - Information Request
 Enclosure III - Instructions & Definitions
 Enclosure IV - Certification of Answers
 Enclosure V - Substantiation of Confidential Business Information Claim

cc: Charlie Maack, Bureau Chief
 Bureau of Hazardous Waste Compliance & Enforcement
 New Jersey Department of Environmental Protection
 Mail Code 09-03
 9 Ewing Street
 P.O. Box 420
 Trenton, NJ 08625-0420

Monica Calderon
Regulations Compliance Officer
Department of Law and Public Safety
325 Norfolk Street
Newark, NJ 07103-2701

ENCLOSURE I NOTICE OF VIOLATION

NJ Northern Regional Medical Examiner Office

On or about September 29, 2016, a duly authorized representative of the EPA conducted a CEI of NRMEO (the "Inspection") in order to determine the Facility's compliance with state hazardous waste accumulation, storage and disposal regulations. As a result of the Inspection, the following specific violations were found:

1. 40 CFR § 262.11, as incorporated by reference by NJAC 7:26G-6.1(a), requires the generator to make a determination as to whether or not the generator's solid waste is a hazardous waste.
 - a. Chemical Waste generated in the Labs: According to lab staff, about two years ago Cycle Chem, the Facility's hazardous waste treatment, storage, and disposal facility (TSD), informed the Lab that the Lab's waste contained mostly water. The TSD informed the Facility their waste was 80 percent water. So, at that time, all lab staff began pouring their waste down the sink. Prior to pouring waste down the sink, the waste was being stored for hazardous waste disposal. Chemical wastes poured down the sink include ethyl acetate, acetonitrile, hexane, toluene, methanol, cresol, and chloroform. A facility representative stated in a November email, that lab #235 generates five gallons every two months, lab #217 generates five gallons every four months, and lab #219 generates five gallons every 12 months.
 - b. Spent fluorescent light bulbs: Spent fluorescent bulbs are disposed in the recycling dumpster. Spent bulbs are stored in their original box with good bulbs until they have a full box of spent bulbs. The entire box of spent bulbs is then disposed into the recycling dumpster. The dumpster is used for municipal recycling and not for fluorescent bulb recycling.
2. 40 CFR § 262.34(d)(5)(iii), as incorporated by reference by NJAC 7:26G-6.1(a), requires that the generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

According to training records reviewed at the time of the Inspection, the Autopsy staff received no formal training in 2015. Based on records reviewed, Maintenance received no hazardous waste management training for the past three years. Based on manifests reviewed at the time of the Inspection, at least 2 maintenance staff signed hazardous waste manifests. According to training records, the emergency coordinator was last trained in hazardous waste management in 2013.

3. Pursuant to 40 CFR § 262.34(d)(2) as incorporated by reference by 40 CFR § 265.173(a) and NJAC 7:26G-6.1(a), a container holding hazardous waste must always be closed

during storage, except when it is necessary to add or remove waste.

At the time of the Inspection, a 55-gallon drum of formalin was observed in Autopsy. An open funnel was observed in the drum.

4. 40 CFR § 262.34(d)(4), as incorporated by reference by 40 CFR § 262.34(a)(2), (a)(3) and NJAC 7:26G-6.1(a), requires the generator to clearly mark on each container in storage areas with the words "Hazardous Waste" and to clearly mark on each container the date upon which each period of accumulation began.

At the time of the Inspection, the following hazardous waste was observed in the Hazardous Waste Storage Area: a 55-gallon drum of alcohol waste, with a Hazardous Waste label, no accumulation start date; a 55-gallon drum of formalin waste, with a Hazardous Waste label, no accumulation start date; a 55-gallon drum of formalin waste with a Hazardous Waste label, no accumulation start date; and a 55-gallon drum with no hazardous waste label and no accumulation start date. Maintenance said it has an orange sticker on it so it's alcohol waste from the Histology Lab.

5. Pursuant to 40 CFR §262.34(d)(5)(ii)(A), as incorporated by reference by NJAC 7:26G-6.1(a), the generator must post the names and telephone numbers of the emergency coordinators next to the telephone.
6. Pursuant to 40 CFR § 262.34(d)(5)(ii)(B), as incorporated by reference by NJAC 7:26G-6.1(a), the generator must post the location of fire extinguishers and spill control material and, if present, fire alarm, next to the telephone.

No emergency postings were observed in satellite or the central hazardous waste storage areas.

ENCLOSURE II
INFORMATION REQUEST

NJ Northern Regional Medical Examiner Office

Based on a review of the information obtained during the CEI, EPA has determined that the following information is required to evaluate the compliance of the Facility:

The relevant time period for every question is September 29, 2013, through the date of receipt of this letter, unless otherwise specified.

1. In regards to the violations cited in the above Notice of Violation, please provide the following:
 - a. A description of the actions taken to correct each of the violations cited;
 - b. Documentation verifying that the violations have been corrected, including photographs, where applicable; and,
 - c. An account and description of changes in facility management practices sufficient to preclude a recurrence of the violations.
2. For each laboratory at the Facility, please provide the following:
 - a. Please list the chemical composition and concentration of each waste generated in each laboratory.
 - i. For each waste listed above, specify the amount of waste generated each operating day and calendar month.
 - ii. For each waste listed above, indicate whether it was determined to be a hazardous or non-hazardous waste, specify the basis for the determination, and include copies of any supporting documentation.
 - b. Please describe the method of disposal for each waste between September 29, 2013, and September 29, 2016.
 - c. Please describe the method of disposal for each waste between September 29, 2016, and date of receipt of this letter.
3. Does the NRMEO have a pretreatment agreement for the disposal of wastes or wastewaters to a Publically Owned Treatment Works (POTW)? If so, please provide a copy of the agreement.

- a. Is any waste or wastewater treated or tested prior to discharge to the POTW? If so, please describe such treatment or testing and provide supporting documentation.
 - b. Is the building or are any laboratories within the building equipped with acid traps or other wastewater neutralization devices? If so, please identify the location of each trap and describe how the traps are constructed, cleaned, and maintained.
4. Please provide the following information on personnel hazardous waste management training prior to September 29, 2016:
- a. Specify each employee's name and department who handled hazardous waste.
 - i. If not indicated above, please specify each employee's name and department who brought hazardous waste to the Hazardous Waste Storage Area.
 - ii. If not indicated above, please specify each employee's name and department who prepared and/or signed hazardous waste manifests.
 - b. Please describe all hazardous waste training received by employees, including the names of the employees, the date the training was received, and a detailed description of the content of the training, and provide copies of relevant documentation.
 - i. For each training specified above, please identify any employee specified in response to Question 4a. above who did not receive the training.
5. When submitting your response, attach to the Certification of Answers to Request for Information (Enclosure IV, below) a list of persons by name, position or title, and company who prepared or assisted in the preparation of the responses to this information request.

ENCLOSURE III INSTRUCTIONS AND DEFINITIONS

NJ Northern Regional Medical Examiner Office

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of NRMEO. The signatory must sign the attached Certification of Answers (Enclosure IV) and return it with the response to this Request for Information.
2. A complete response must be made to each individual question in this Information Request. Identify each answer with the corresponding number listed in Enclosure II.
3. In preparing your response to each question, consult with all present and former employees and agents of the facility who may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number or letter of the question to which it applies.
8. If anything is deleted or redacted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The Facility, for the purposes of this Notice of Violation and Request for Information, are all areas of NRMEO located at 325 Norfolk Street in Newark, New Jersey.
11. A *hazardous waste generator* is defined, for the purposes of this Request for Information, as any person (which includes this facility) whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.

12. *Hazardous waste* is defined, for the purposes of this Request for Information, as it is defined in Section 1004(5) of RCRA, as amended, 42 USC Part 6903(5).

13. *Manage* is defined, for the purposes of this Request for Information, as: to market, generate, treat, store, dispose, or otherwise handle.

**ENCLOSURE IV
CERTIFICATION OF ANSWERS**

NJ Northern Regional Medical Examiner Office

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name (print or type)

SIGNATURE

DATE

TITLE

ENCLOSURE V
SUBSTANTIATION OF CONFIDENTIAL BUSINESS INFORMATION CLAIM

NJ Northern Regional Medical Examiner Office

1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to Question 1, immediately above?
3. What measures have you taken to protect the information claimed as confidential and to guard against undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has EPA or any other governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to result in substantial harmful effects on the business or to its competitive position. Explain the specific nature of those harmful effects; why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If the business asserts that the information is voluntarily submitted information, whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

